

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PERCY LEE RHODES,

Plaintiff,

v.

JOSEPH RUIZ, et al.,

Defendants.

Case No. 1:21-cv-00942-JLT-CDB (PC)

**ORDER LIFTING PREVIOUSLY  
IMPOSED STAY**

**ORDER DIRECTING CLERK OF THE  
COURT TO ISSUE DISCOVERY AND  
SCHEDULING ORDER**

Plaintiff Percy Lee Rhodes is a former pretrial detainee proceeding pro se in this civil rights action filed under 42 U.S.C. § 1983. This action proceeds on Plaintiff's Eighth Amendment deliberate indifference to serious medical needs claims against Defendants Ruiz, Lightner, and McComas, a First Amendment access to courts claim against Defendant Cortez, and Eighth Amendment failure to protect and failure to train claims against Defendants Lightner and McComas.

**I. RELEVANT PROCEDURAL BACKGROUND**

On August 17, 2023, this Court issued its Order Referring Case to Post-Screening ADR and Staying Case for 90 Days. (Doc. 26.) Specifically, the Court ordered the parties to file notice, within 45 days, indicating whether they believed an early settlement conference would be productive in this matter. (*Id.* at 2.)

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1 Plaintiff filed notice indicating his belief an early settlement conference would be  
2 productive. (Doc. 27.) However, on October 2, 2023, Defendants filed notice indicating they did  
3 not believe an early settlement conference would be productive. (Doc. 28.)

4 Because all parties do not agree an early settlement conference would be productive, the  
5 Court will lift the previously imposed stay and issue a discovery and scheduling order.

6 **II. CONCLUSION AND ORDER**

7 Accordingly, **IT IS HEREBY ORDERED** that:

- 8 1. The previously imposed 90-day stay of this is action is **LIFTED**; and  
9 2. The Clerk of the Court is **DIRECTED** to issue a discovery and scheduling order in  
10 this matter.

11 IT IS SO ORDERED.

12 Dated: **October 3, 2023**

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14 UNITED STATES MAGISTRATE JUDGE